* Jay E. Smith (CA SBN 162832) STEPTOE & JOHSON LLP 2 633 W. Fifth Street, 7th Floor Los Angeles, CA 90071 3 Telephone: (213) 439-9400 4 Facsimile: (213) 439-9599 Email: jsmith@steptoe.com 5 Attorneys for Defendant Motorola, Inc. 6 7 8 UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA 9 SAN FRANCISCO DIVISION 10 11 METROPOLITAN TRANSPORTATION 12 COMMISSION, Case No.: C 06 2302 MMC 13 Plaintiff, Hon. Maxine M. Chesney 14 VS. STIPULATED REQUEST TO CONTINUE 15 INITIAL CASE MANAGEMENT MOTOROLA, INC., CONFERENCE; ORDER THEREON 16 Defendant. 17 18 19 Pursuant to Civil L.R. 6-2 and 16-2 and the Court's Standing Order, Plaintiff, 20 Metropolitan Transportation Commission ("MTC"), and defendant, Motorola, Inc., through their 21 respective counsel of record, hereby STIPULATE, AGREE, and REQUEST to continue the 22 Initial Case Management Conference scheduled in this case. In support of this stipulated request, 23 the parties state as follows: 24 1. MTC filed this action on March 30, 2006 and the Court scheduled an Initial Case 25 Management Conference on June 30, 2006. 26 2. MTC believes that the summons and complaint were served on Motorola's 27 designated agent for service of process on or about April 4, 2006. 28

- 3. Pursuant to Civil L.R. 6-1(a), the parties agreed to extend the time for Motorola to answer or otherwise respond to the complaint until May 26, 2006.
- 4. Motorola responded by filing a motion to dismiss for lack of jurisdiction on May 26, 2006, and scheduled a hearing on this motion before the Court on July 21, 2006.
- 5. In the meantime, counsel for the parties and party representatives have agreed to schedule a face-to-face meeting in June to discuss informal resolution of MTC's Complaint.
- 6. While the parties are briefing the Motion to Dismiss and meeting to discuss informal resolution, the parties would like to avoid the time and expense of preparing for an Initial Case Management Conference until after the Court's resolution of Motorola's Motion to Dismiss and the parties' meeting to explore informal resolution of the complaint.
- 7. In addition, the Initial Case Management Conference scheduled for Friday, June 30, 2006 is the Friday before the Fourth of July weekend and, since Motorola's counsel is from out-of-town, travel for this conference would be difficult.
- 8. The parties believe that the statements above demonstrate good cause to continue the Initial Case Management Conference. The Parties request a continuance until September 8, 2006. This short extension will not affect the overall schedule for this case, and will facilitate the parties' discussions to informally resolve this matter.

STIPULATION

NOW, THEREFORE, acting by and through their counsel of record, MTC and Motorola hereby stipulate and request to continue the Initial Case Management Conference until September 8, 2006, or as soon thereafter as is convenient for the Court.

IT IS SO STIPULATED.

DATED: June **1**, 2006

STEPTOE & JOHNSON LLP

Attorneys for Defendant

MOTOROLA, INC.

DATED: June 1, 2006

GLYNN & FINLEY, LLP

CLEMENT L. GLYNN Attorneys for Plaintiff METROPOLITAN TRANSPORTATION **COMMISSION** PURSUANT TO STIPULATION, IT IS SO ORDERED. The case management conference is continued from June 30, 2006 to September 8, 2006; a joint case management statement shall be filed no later than Septemb 1, 2006.

Date: June 9, 2006 Date: June 9, 2006 Maxine M. Chesney
United States District Judge